

REMARKS

Restriction was required under 35 U.S.C. § 121 and 372. Applicants are required to elect a single invention from among the following groups of claims:

- Group I: Claims 1 and 20, drawn to a pest control composition comprising at least one compound of formula I or tautomer thereof.
- Group II: Claims 26-27, 29, 30-31, 33-36, 38-41, 44-57, 79 and 82, drawn to a method for controlling pests. Method Claims 27, 29, 30-31, 33-36, 38-41, 44-57, and 82 were placed in one group given the fact that they recite method of controlling pest. The Examiner noted that a regrouping might be necessary depending on amendments to the methods claims since the claims were drafted to depend on canceled claims 3, 5, 8-9, 12, 21, 22, 24-27, and 31.
- Group III: Claim 58, drawn to a material or article of manufacture for use in pest control that is coated with at least one compound of formula I or tautomer thereof.
- Group IV: Claim 77, drawn to a pest control coating.

Response to Restriction Requirement

In response to the Restriction Requirement, the Applicants elect Group II encompassing Claims 26-27, 29, 30-31, 33-36, 38-41, 44-57 and 79, drawn to a method for controlling pests. Applicants have amended the dependencies of Claims 27, 29, 30-31, 33-36, 38-41 and 44-57 such that they are correctly dependent on claims within the elected subject matter. Claim 82 is canceled without prejudice.

Election of Species Requirement

Applicants were required to elect a specific compound with single species for R₁, R₂, R₃, X and Y, as recited in Claims 26 and 27 and dependent claims thereof.

Applicants elect eremophilone, which has a structure as shown at page 11, lines 15-17 of the Specification as filed. For eremophilone, R₁ = -C(=CH₂)CH₃, R₂ = methyl, R₃ = methyl, X = O, -----Y = -H and  is . Claims 26, 27, 29-31, 41, 44-57 and 79 read on the elected species.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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